

## AN ACT

ENTITLED, An Act to establish certain penalties for the unauthorized acquisition or transfer of food stamp benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Any person who knowingly:

- (1) Acquires, purchases, possesses, or uses any food stamp EBT card to obtain food stamp benefits that the person is not entitled to;
- (2) Transfers, sells, trades, gives, or otherwise disposes of any food stamp EBT card to another person not entitled to receive or use it in exchange for anything of value;
- (3) Acquires, purchases, possesses, or uses any eligible goods purchased with a food stamp EBT card that the person is not entitled to; or
- (4) Transfers, sells, trades, gives, or otherwise disposes of any eligible goods purchased with a food stamp EBT card to another person not entitled to receive it in exchange for anything of value;

is guilty of unauthorized acquisition or transfer of food stamp benefits.

Section 2. Any person convicted of an offense under subdivision (1) or (2) of section 1 of this Act for food stamp benefits with an EBT card value of one thousand dollars or less is guilty of a Class 1 misdemeanor. Any person convicted of an offense under subdivision (1) or (2) of section 1 of this Act for food stamp benefits with an EBT card value of one thousand dollars is guilty of a Class 6 felony. Amounts involved in the acquisition or transfer of EBT cards in violation of subdivisions (1) and (2) of section 1 of this Act, committed pursuant to one scheme or course of conduct in any twelve-month period, may be aggregated in determining the degree of the offense. Any person convicted of an offense under subdivision (3) or (4) of section 1 of this Act is guilty of a Class 1 misdemeanor.

Section 3. As used in this Act, the term, food stamp EBT card, means any card issued for purchase of food pursuant to the Food Stamp Act of 1997, 7 U.S.C. 2011 to 2029, inclusive, in effect on January 1, 2005. As used in this Act, the term, EBT, means electronic benefit transfer.

An Act to establish certain penalties for the unauthorized acquisition or transfer of food stamp benefits.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1012

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1012  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State